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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,357	06/30/2003	Terho Kaikuranta	944-003.176/NC36625US	2666

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EXAMINER
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HAQ, MOHAMMAD AAMIR

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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01/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/611,357	Applicant(s) KAIKURANTA, TERHO	
	Examiner Aamir Haq	Art Unit 2614	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 08 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
see attachment.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Aamir Haq  
571-272-5511

The Office has carefully reviewed and considered Applicant's argument filed on 12/20/06 but respectfully disagrees. Applicant has argued that the teaching of Yamamoto does not relate to mobile phones and that there is no suggestion to use such a structural configuration in a mobile phone.


Yamamoto teaches a low mass actuator that creates a vibration. The structure of Yamamoto reads on the Applicant's claimed structure. Namely, Yamamoto teaches cover ("case" (31) or alternatively "metallic clip housing" 35 in fig. 1) having two parts. An elastic joint (32 in fig. 1) couples the two parts. Additionally, a low mass actuator (36) is coupled between the two parts. The two parts "extend alternately in directions away from one another" (col. 3 lines 48 – 50), read as the claimed vibrating the two parts of the cover in relation to one another. Thus, the structure of the low mass actuator claimed by the applicant was known at the time of the invention.

Yamamoto further states that the low mass actuator is not limited in its application to the manner as described (col. 4 lines 56 – 64). Moreover, Yamamoto states that various changes and modification that are apparent to those of skill in the art are included (col. 5 lines 19 – 25).

At the time of the invention, vibrating within a mobile phone was old and well known in the art (as exemplified by Moore and Boesen). A designer would have had a plurality of vibrating structures to choose from in order to make the mobile phone vibrate. This would have included the vibrating structure thought by Yamamoto. The suggestion for using the structure of Yamamoto would have been because this design "can be readily manufactured on a large scale at a low cost." Additionally, the design eliminates the need of having the vibrating motor on the PCB. Thus, saving PCB surface area and improving miniaturization. Both benefits are highly important in the mobile phone art.

Therefore, applicant's claimed invention is not considered to be novel in view of the cited prior art. The structure of the low mass actuator was known and it would have been obvious to one of ordinary skill in the art to use this structure in a mobile phone since creating vibrations within mobile phones was well known in the art.

It is suggested that Applicant further specify more detail about the low mass actuator.

  
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